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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,121	03/09/2007	Torsten Harms	3926.221	4366
30448	7590	01/08/2008		
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188				
			EXAMINER HARRIS, KATRINA B	
			ART UNIT 3747	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/556,121	Applicant(s) HARMS ET AL.	
	Examiner Katrina B. Harris	Art Unit 3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/01/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 15-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nomura (6,659,061).

Nomura discloses, as in **claim 15**, a balancing shaft (32) for an internal combustion engine, which balancing shaft (32) consists of a tubular hollow body and has a balancing weight (33,34) and also functional elements arranged on the hollow body, the balancing weight being arranged on the outer circumference of the hollow body and being connected to the latter in an interference fit, wherein the hollow body (32) is plastically expanded only at the location of its connection to the balancing weight (33,34), and the balancing weight (33,34) is expanded at this location with elastic spring-back.

Regarding **claim 16**, the balancing shaft (32) as claimed in claim 15, wherein the balancing weight (33,34) is integrally formed on a hub which locally encloses and is secured to the hollow body (32).

Regarding **claim 17**, the balancing shaft (32) as claimed in claim 15, wherein the functional elements are arranged as individual components on the hollow body (32) and are connected to the hollow body (32) in an interference fit.

Regarding **claim 18**, the balancing shaft as claimed in claim 15, wherein the balancing weight (33,34) and/or the functional elements are additionally connected to the hollow body (32) in a positive- locking manner.

Regarding **claim 19**, the balancing shaft as claimed in claim 15, wherein the hollow body (32) is connected at one end in one piece with a connecting component for drive components, the connecting part closing the hollow body (32).

Regarding **claim 20**, the balancing shaft as claimed in claim 19, wherein said drive components are selected from chain wheels and centrifuges.

Regarding **claim 21**, a method of producing a balancing shaft, a balancing weight and also functional elements being fastened to a hollow tubular body, the balancing weight being positioned on and fastened to the outer circumference of the hollow tubular body with formation of an interference fit, comprising:
introducing a balancing weight (33,34) and/or of the functional element onto hollow body (32), partially expanding the hollow body (32) by means of fluidic internal high pressure locally only at the location of the introduced weight and/or of the functional element to form the interference fit while expanding the balancing weight (33,34) and/or the functional elements so as to spring back elastically.

Regarding **claim 22**, the method as claimed in claim 21, wherein, by means of a hub on which the balancing weight (33,34) is integrally formed, said balancing weight (33,34) is pushed onto the hollow body (32) and is then fastened.

Regarding **claim 23**, the method as claimed in claim 21, wherein the functional elements, with a bore (ii), are pushed as individual components onto the hollow body (32) and are connected to the latter, with an interference fit being formed.

Regarding **claim 24**, the method as claimed in claim 21, wherein the wall of the through-opening of the hub and/or the wall of the bore with which the balancing weight (33,34) and/or the functional elements are pushed onto the hollow body (32) are/is designed to be rotationally asymmetric, and in that, by means of fluidic internal high pressure, the hollow body (32) is connected to the balancing weight (33,34) and/or the

functional elements in a positive-locking manner by at least partial contact with rotationally asymmetric surfaces of the wall of the through- opening of the hub and/or of the wall of the bore

Regarding **claim 25**, the method as claimed in claim 21, wherein at least one of the open ends of the hollow body (32) is friction welded to a connecting component closing the end and intended for drive components.

Regarding **claim 26**, the method as claimed in claim 25, wherein said drive components are selected from chain wheels and centrifuges.

Communication

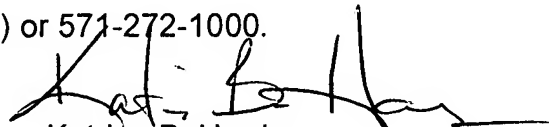
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katrina B. Harris whose telephone number is 571-272-4842. The examiner can normally be reached on 6:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Cronin can be reached on 571-272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Katrina B. Harris
Examiner
Art Unit 3747

kbh



STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER